



# ZONING EXAMINER

## REPORT TO MAYOR AND COUNCIL

September 14, 2017

C9-17-08 BP Swan Investors, LLC – Swan Road  
R-1 to OCR-1

### **BACKGROUND**

This is a request by Thomas Sayler-Brown of SBBL Architecture to rezone approximately 27.78 acres from R-1 to OCR-1 zoning. The preliminary development plan (PDP), proposes commercial retail and food service uses in two approximately 30-foot tall buildings totaling 18,000 square feet of floor area in the western portion of the site near Swan Road, and administrative and professional office uses in 6-story buildings with a maximum height of 100 feet and totaling 755,250 square feet of floor area near the center of the site, along with associated parking and landscaping.

Land use policy direction for this area is provided by *Plan Tucson*. The rezoning site is located within an existing neighborhood as identified on the Future Growth Scenario Map of *Plan Tucson*.

### **PUBLIC HEARING SUMMARY (Minutes Attached)**

At the Zoning Examiner's Public Hearing held on August 31, 2017, Staff reported that they had received two (2) written approvals and no written protests. The applicant agreed to the proposed preliminary conditions. No one else spoke on this matter.

At the end of Mr. Sayler-Brown's presentation, I asked if they had or would consider re-orienting the main 6-story office building structure by rotating it 90 degrees and relocating the new building near the rear of the property, closer to the south property line so as to not obstruct the sunset and mountain views currently enjoyed by the neighboring residents of the apartment complex to the east as well as opening up the visibility corridor from Swan Road.

Mr. Sayler-Brown responded by saying that the building's current design location is 'diagrammatic' at this point since there are no proposed Tenants at this time. He said that the entire plan may change if a single user Tenant wants a smaller building. He explained that this plan was proposed in this manner to simply show how much building area could be constructed based on the on-site available parking and other site design requirements. He did assure me that they would look at possibly relocating and rotating the building as a possible final design option.

### **FINDINGS OF FACT**

#### ***Surrounding Land Uses***

The rezoning site was formerly a State of Arizona mental health facility, located at 2021 S. Swan Road, on the southeast corner of 29<sup>th</sup> Street and Swan Road (see Case Location Map). The existing surrounding zoning and land uses are:

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North: C-2; Commercial and Personal Storage  
South: R-1; City diversion channel and Davis-Monthan Air Force Base  
East: R-3; Multi-family Residential  
West: R-1 & C-2; Single-family and Multi-family Residential and Commercial

***Land Use Plans***

Land use policy direction for this area is provided by *Plan Tucson*. The rezoning site is located within an existing neighborhood as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. Within existing neighborhoods, *Plan Tucson* calls for maintaining the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment with new services and amenities that contribute further to neighborhood stability.

*Plan Tucson* supports the retention and expansion of existing businesses as well as infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and also adhere to relevant site and architectural design guidelines. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

*Plan Tucson* policies also promote quality and safety in design, compatibility with and adequate buffering of surrounding development, the planting and management of healthy, attractive urban vegetation, and the conservation and enhancement of environmentally sensitive habitat. Urban heat island effects should be mitigated by expanding and maintaining a healthy drought-tolerant low-water use urban forest. New development should utilize solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

Field inspection by staff indicates there are currently no billboards on the rezoning site.

Future development must be in substantial conformance with the Preliminary Development Plan. Minor changes may be considered. Major changes require an amendment approved by Mayor and Council.

**DESIGN CONSIDERATIONS**

***Land Use Compatibility***

*Plan Tucson* emphasizes design compatibility of new projects with adjacent land uses. The applicant is proposing a mix of land uses, including administrative and professional offices, retail commercial, and restaurants, with building heights ranging from 30 feet for the retail and food service uses, and to up to 100 feet for the office buildings. Immediately to the south is a City diversion channel, zoned R-1, and across Golf Links Road is the Davis-Monthan Air Force Base, zoned R-1 and I-1. To the north of the site are commercial uses and a self-storage facility, zoned C-2, with R-2 zoned single-family residential uses beyond. West of the site across Swan Road, are commercial and multi-family uses, zoned C-2, and single-

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family residential uses, zoned R-1. Directly to the east of the site are multi-family uses, zoned R-3, with an R-1 zoned City park just beyond.

The rezoning site is located within the Airport Environ Zones (AEZ), Noise Control District-A (NCD-A) and Airport Hazard District (AHD) for Davis-Monthan Air Force Base. AHD's are specifically designated areas of land where uses that constitute hazards to airport operations are prohibited and heights are limited. Noise Control Districts are specifically designated noise exposure areas that have requirements for noise attenuation for certain land uses in order to improve the compatibility of occupied buildings with flight operations. The applicant's design compatibility report indicates that the redevelopment of the property will comply with all AEZ regulations, including the use restrictions (i.e.: no civic assembly or residential uses), noise mitigation for buildings, and the additional height limitation which restricts building height to a maximum of 100 feet at the closest corner to Davis-Monthan Air Force Base. While the applicant is requesting OCR-1 zoning, which allows for a maximum height of 140 feet, staff recommends that maximum heights be restricted to 100 feet, as identified on the Preliminary Development Plan.

The PDP identifies dumpsters near the eastern boundary of the site. Staff recommends that all dumpsters, loading zones, and any other outdoor activities be located a minimum of 50 feet from the residentially zoned property abutting the project site's east property line. All buildings should include four-sided architecture to be reviewed at time of building plan/development package submittal.

***Drainage/Vegetation***

City Engineering has indicated that retention of the total 5-year storm is required for onsite storm water flow. The applicant will need to coordinate with City Engineering regarding the final design of their retention plan for the site. Onsite runoff should be discharged to a water harvesting basin prior to discharge to the street with no increase in the peak discharge for the 2-, 10-, 50- and 100-year flood events.

***Road Improvements/Vehicular Access/Pedestrian Circulation***

According to the Preliminary Development Plan (PDP) dated June 9, 2017, vehicular ingress/egress to the rezoning site will utilize three existing driveways from Swan Road to the west and two driveways from 29<sup>th</sup> Street to the north. The northern and southernmost driveways on Swan Road will be limited to right-in/right-out only due to an existing median in Swan Road. The central access drive will have access to and from both north and southbound lanes on Swan Road with a proposed new median opening. There is no median in 29<sup>th</sup> Street so both vehicle ingress/egress points along the north boundary of the site will be full access. Both Swan Road and 29<sup>th</sup> Street are classified as arterial routes on the Major Streets and Routes Plan (MS&R), with both having a planned right-of-way of 100 feet. Golf Links Road, approximately 250 feet to the south of the southern site boundary and across the Tucson diversion channel, is designated as a Gateway arterial route on the MS&RP, with a right-of-way of 200 feet.

TDOT indicates that a traffic impact analysis will be required, including warrant studies for deceleration lanes on Swan Road and on 29<sup>th</sup> Street. The study should also include needed capacity improvements at the signalized intersections adjacent to the project site, in order to accommodate added traffic from the new development. Where existing sidewalks adjacent

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to the site are less than five feet in width, passing spaces at least five feet by five feet should be located at reasonable intervals not to exceed 200 feet. A 6-foot sidewalk is required along the Swan Road frontage of the rezoning site. Right-of-way dedication may be required along major street frontages according to the Major Streets and Routes Plan.

**CONCLUSION**

The proposed rezoning of the site from R-1 to OCR-1 is suitable for this location, and approval of the requested OCR-1 zoning is appropriate, subject to compliance with the attached preliminary conditions.

**RECOMMENDATION**

The Zoning Examiner recommends approval of OCR-1 rezoning subject to the attached conditions

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'S. Shell', with a large circular flourish at the end.

Steven C. Shell, Architect  
Zoning Examiner

**ATTACHMENTS:**

Zoning Examiner Conditions  
Public Hearing Minutes

### PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated June 9, 2017, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATIBILITY

6. At time of building plans review, applicant shall submit dimensioned building elevations showing four-sided architecture. Building design shall include architectural features and design elements at the same level of detail for all elevations (side and rear elevations will be commensurate with front elevation), including but not limited to, comparable color palette, rooflines, and materials. Building height shall not exceed 100 feet.
7. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
8. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
9. All dumpsters, loading zones, and any other outdoor activities shall be located a minimum of 50 feet from the boundary of the residentially zoned property immediately to the east of the rezoning site.



DRAINAGE/GRADING/VEGETATION

10. The site shall provide retention of the 5-year discharge within retention basins and water harvesting areas and required landscape areas.
11. There shall be no increase in the peak discharge for the 2, 10, 50 and 100 year events.

AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ( "**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(l).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "**Property**") which is more fully described in the Owner's application to the City in Case C9-17-08 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case C9-17-08.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-17-08.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner: \_\_\_\_\_  
(Name of Individual, Corporation, Partnership, or  
LLC, as applicable)

Owner: \_\_\_\_\_  
(Name of Individual, Corporation, Partnership, or  
LLC, as applicable)

By: \_\_\_\_\_  
(Signature of Owner or Authorized Representative, if  
applicable)

By: \_\_\_\_\_  
(Signature of Owner or Authorized Representative, if  
applicable)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

State of Arizona )  
 )  
County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_

City of Tucson, an Arizona municipal Corporation:

By: \_\_\_\_\_  
Planning & Development Services Department

This form has been approved by the City Attorney.



ZONING MEMBERS PRESENT

Steven Shell, Zoning Examiner  
John Beall, Planning & Development Services  
Delma Sanchez, City Recording Clerk

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1           ZONING EXAMINER: - to tonight's public hearing. My name's  
2 Steven Shell, and I'm the Zoning Examiner for the City of Tucson. I  
3 conduct rezoning hearings on behalf of the Mayor and Council, and I  
4 make findings of fact which I put into a report along with my  
5 recommendation which I then forward along to Mayor and Council for  
6 their consideration and final decision.

7           My report will be based on the information submitted to me  
8 which includes the application, Staff's report, written approvals and  
9 protests received, and all correspondence and testimony which is given  
10 here tonight. I will also include, for the record, any documents  
11 submitted to me tonight up to the close of this public hearing.

12           A recording of tonight's testimony is being made by the  
13 City Clerk. If requested, a transcript will be prepared. With that  
14 in mind, I'll ask you to please speak clearly and succinctly into the  
15 two microphones up on the podium.

16           I will complete my preliminary report within five working  
17 days of the close of the public hearing, at which time, I will then  
18 prepare the final report. The final report will be issued within two  
19 weeks after the close of the public hearing.

20           For those of you who wish to receive a copy of the  
21 preliminary report, and are not already on the principal list of  
22 primary on this, then please fill out one of those colored cards on

1 the podium. A copy of the final report will then be available from  
2 the Planning & Development Services Department. I will also forward a  
3 copy of my final report to Mayor and Council.

4 At the scheduled public hearing for each case - I think we  
5 just lost - oh, there it is - the Mayor and Council will then vote on  
6 this matter based on my recommendation along with other findings.

7 Tonight's public hearing will proceed in the following  
8 manner. I will first open the public hearing, and I will ask Mr. John  
9 Beall, who is sitting here to my right, who is with the Planning &  
10 Development Services Department, to give a presentation on the case.

11 After his presentation, I will ask the Applicant or the  
12 Applicant's representative to then come forward and make his  
13 presentation. I will then ask to hear from anyone from the audience  
14 who wishes to speak tonight on this matter.

15 Since I cannot have any communication with anybody involved  
16 in this case, I would invite you to speak at this time. I will first  
17 ask to hear from anybody who wishes to speak in favor of this variance  
18 of this case. I will then ask to hear from anybody who wishes to  
19 speak in opposition of this case. After that, I will then ask to hear  
20 from anybody who is neutral on the matter, but still wishes to share  
21 their thoughts.

22 After everybody from the audience has had a chance to  
23 speak, I will then offer the Applicant or the Applicant's  
24 representative a chance to respond to any of the concerns or issues  
25 which were brought up by either the audience or myself.

1           If you wish to speak tonight, please wait for me to call  
2   you up to the podium by raising your hand. While at the podium,  
3   please print your name and address on that sign-in sheet. I'll then  
4   ask you to state your name and address for the record.

5           When speaking tonight, please be brief and to the point.  
6   Please only speak to those matters which are relevant to the case.  
7   Please do not repeat any testimony which has already been given. I'll  
8   also ask that you please direct all of your testimony solely to me.  
9   Do not address Staff nor any members of the audience.

10          At this time, I would like to swear any of those who wish  
11   to speak tonight. So, if you're going to speak tonight, or if you  
12   even think you may speak tonight, I'm gonna ask you to please stand up  
13   at this time, and raise your right hand.

14          So, if you think you're gonna speak, or if you're gonna  
15   speak, do you swear or affirm to tell the truth, the whole truth, and  
16   nothing but the truth?

17          (Affirmative.)

18          ZONING EXAMINER: Thank you very much. At this time, I'll  
19   go ahead and open the public hearing. Our first case tonight is C9-  
20   17-08. And, Mr. Beall, maybe you could give us a presentation on this  
21   case.

22          MR. BEALL: This is a request by Thomas Sayler-Brown of  
23   SBBL Architecture to rezone approximately 27.78 acres from R-1 to  
24   OCR-1 zoning. The rezoning site was formerly a State of Arizona

1 mental health facility located at 2021 South Swan Road on the  
2 southeast corner of 29th Street and Swan Road.

3 The Preliminary Development Plan proposes commercial,  
4 retail and food services uses in two approximately 30-foot tall  
5 buildings totaling 18,000 square feet of floor area in the western  
6 portion of the site near Swan Road.

7 An administrative and professional office uses in six-story  
8 buildings with a maximum height of 100 feet, and totaling 755,250  
9 square feet of floor area near the center of the site, along with  
10 associated parking and landscaping.

11 The rezoning site is located within the Airport Environ  
12 Zones, the AEZ, Noise Control District A, and Airport Hazard District  
13 for Davis Monthan Air Force Base.

14 The Applicant's design, compatibility report indicates that  
15 the redevelopment of the property will comply with all AEZ  
16 regulations, including the use restrictions, noise mitigation for  
17 buildings, and additional height limitation which restricts building  
18 height to a maximum of 100 feet at the closest corner to Davis Monthan  
19 Air Force Base.

20 While the Applicant is requesting OCR-1 zoning which allows  
21 for a maximum height of 140 feet, Staff recommends that maximum  
22 heights be restricted to 100 feet as identified on the Preliminary  
23 Development Plan.

24 According to the Preliminary Development Plan dated June  
25 9th, 2017, vehicular ingress/egress to the rezoning site will utilize

1 three existing driveways from Swan Road to the west, and two driveways  
2 from 29th Street to the north. Tucson Department of Transportation  
3 indicates that a traffic impact analysis will be required, including  
4 warrant studies for deceleration lanes on Swan Road and on 29th  
5 Street.

6 The proposed rezoning of the site from R-1 to OCR-1 is  
7 suitable for this location. An approval of the requested OCR-1 zoning  
8 is appropriate, subject to the compliance with the attached  
9 Preliminary Conditions. As of to date, there have been two approvals  
10 and zero protests.

11 ZONING EXAMINER: Thank you very much, Mr. Beall. At this  
12 time, is the Applicant or the Applicant's representative here? Come  
13 on down. I'm assuming you already signed in?

14 MR. SAYLER-BROWN: (Inaudible)

15 ZONING EXAMINER: Wonderful. Will you please state your  
16 name and address for the record, Mr. Brown. I think they're both on.  
17 If, if you would like, you can just move that one up there so you  
18 don't have to bend over constantly. There you go. We're architects.  
19 We can change things. Hang on. Let me see if I can get -

20 You could at least tell us a joke. Just kidding. If I got  
21 a dollar for every time I heard that excuse. We're just waiting for  
22 the City Clerk to grab a handheld microphone. I swear I didn't do it.  
23 Pardon? I already talked about them.

24 MR. SAYLER-BROWN: Better?

25 ZONING EXAMINER: Yeah. You'll have to talk right into it.

1 MR. SAYLER-BROWN: Yeah, I do. Okay. It's still not very  
2 loud, but okay.

3 ZONING EXAMINER: But at least it's being hopefully  
4 recorded. That's the number one thing, so -

5 MR. SAYLER-BROWN: Well, fortunately I've already forgotten  
6 what Mr. Beall said, so, I'm gonna get to say a lot of what he said.

7 ZONING EXAMINER: That's okay. You first gotta just  
8 remember your name and your address.

9 MR. SAYLER-BROWN: I know. I'm Thomas Sayler-Brown with  
10 SBBL Architecture Planning, 100 North Stone, Suite 905, Tucson. I'm  
11 the arc- -- I'm the Applicant for the project, the Applicant's rep.

12 So, as Mr. Beall said, we're, we're asking for OCR-1  
13 zoning. The existing site is R-1. Because of its proximity to Davis  
14 Monthan and their airport hazard restrictions, the site cannot be  
15 developed for residential.

16 OCR-1 allows residential uses, and we understand we will  
17 not have any on the site. And it's a perfect site for OCR-1 in that  
18 it is a 28-acre site right adjacent to the Davis-Monthan Air Force  
19 Base. Good opportunities.

20 Another restriction by Davis Monthan is that no building on  
21 our site can exceed 100 feet. And again, while OCR-1 allows for  
22 heights up to 140 feet, we understand that we must remain below the  
23 100-foot - or up to, I should say, the 100-foot restriction.

24 Now we see the site as a potentially major employment  
25 center, primarily with office uses. We also show a small commercial



1 area for retail and food service uses. Access will be from Swan with  
2 a new median break to allow turns from, from southbound traffic, and  
3 two points along 29th Street.

4 Now the site connects to several areas of the city by a  
5 bike path that runs from Pantano Road to downtown. It's also served  
6 by bus. Building layout that we're showing is based on a prototype  
7 for an office building concept that Bourn is developing in Tucson and  
8 elsewhere. Bourn Partners is the Applicant.

9 The plan we are showing is more diagrammatic than  
10 realistic. And actually, I brought some low tech, what do they call  
11 that, power point. A low-tech power point for you here. I know you  
12 have a plan there, so, I'll just go ahead and show you this anyway.  
13 Yeah, exactly.

14 The plan shows the largest building that we can provide  
15 while still meeting parking and other zoning and engineering  
16 requirements. If we end up with a single user for the site - now that  
17 could, if we end up with a single user for the site, that could affect  
18 the size, orientation and design of the project.

19 This is basically a diagram that's showing that we can max  
20 out the site for the square footage that we were showing in our  
21 submittal.

22 Now the neighborhood to the west has limited views to the  
23 Rincon and the Catalina Mountains. The views to the Catalina  
24 Mountains are possible from the very southwest - southeast corner of

1 the subdivision. And the building, as we show it on our property,  
2 would not interfere with that view.

3 The views to the Rincons are possible primarily from the  
4 east/west streets through the neighborhood, and from the, the houses'  
5 yards, the front yards and back yards. The views disappear as one is  
6 traveling eastbound once you're at the third house from Swan.

7 There's a six-foot high masonry wall all along Swan, and  
8 the neighborhood is about three-foot, depressed three feet from Swan  
9 Road as well. The homes in the subdivision are also oriented  
10 north/south, and none are really designed to take advantage of the  
11 available views. For views to the east, the new building as shown in  
12 our diagrammatic plan would block the views to the Rincons.

13 And I noticed in my design compatibility report that I had  
14 a typo. I had indicated a diagram showing a site section that I left  
15 out. So, I brought you one today so you could see it. And do you  
16 need me to walk that up to you?

17 It's a very simple section, but it shows you what the  
18 relationships are to the neighborhood which is on the left side of the  
19 sheet, and the apartments which occur on the east side, on the right.  
20 The only other thing I want to say is that we, we accept the Staff's  
21 recom- -- conditions for approval. (Inaudible)

22 ZONING EXAMINER: Hang on one second while I just make a  
23 note really quickly here. Let me ask you a question, Mr. Sayler-  
24 Brown. You answered one of the questions that I had which was the  
25 missing sections, so, thank you. I appreciate that.

1           My question is more of a theoretical design question.  
2   Obviously, the buildings that you're showing are just diagrammatic  
3   just to pretty much, I gather, just to explain that you can site the  
4   building and, and put the parking. So, where they are at this point  
5   is still very nebulous and very flexible.

6           MR. SAYLER-BROWN: Could change.

7           ZONING EXAMINER: But you still need to do a PDP. And  
8   unfortunately, should an erratically different building suddenly  
9   appear there, it might be more than just a simple revision to a PDP.  
10   And I'm just a little concerned about how much flexibility you're  
11   envisioning.

12           But my question to you has to do with more of an  
13   architectural question. When you're driving down Swan Road, I, I  
14   realize that you have very few views of the Catalina Mountains from  
15   the residential area on the, on the west side of that wall, 'cause  
16   I've actually now been out there. And you're right. You know, the  
17   wall pretty much obscures any of their visibility.

18           But when you're driving along Swan and approaching the  
19   intersection, when you're on Golf Links and you're turning north onto  
20   Swan, there's incredibly good views of the mountains. And the one  
21   question I have is, you've kind of oriented your building in what  
22   would be the most impactful way you can towards Swan Road, because  
23   you're putting the building pretty close to it following the length of  
24   it.

1           And you're gonna feel that sense of height and length. And  
2   you're kind of closing off any potential views from the roadway  
3   itself, as well as any of the neighbors to the east in those  
4   apartments. 'Cause currently, they do enjoy a nice view of the  
5   sunsets and everything else.

6           And I just know the whole south end of that portion where  
7   the drainage ditch is, and Golf Links is kind of the dead site. It's  
8   the dead area which also still gives you good frontage along Golf  
9   Links and you still see it from the intersection and 29th. Have you  
10   considered rotating the building and, and putting it in a more  
11   east/west direction towards the back of the site?

12           MR. SAYLER-BROWN: We, we considered a number of different  
13   site configurations. This is the one we ended up with when we decided  
14   to move forward with the rezoning. We, we're certainly open to  
15   looking at new possibilities.

16           ZONING EXAMINER: It might be to your advantage to, to show  
17   an alternative location. And, and I don't exac- -- 'cause it isn't  
18   something that would require a continuance or anything like that,  
19   'cause it could be something that could be just handled through a  
20   revision of your PDP -

21           MR. SAYLER-BROWN: Right.

22           ZONING EXAMINER: - you know, -

23           MR. SAYLER-BROWN: Right.

24           ZONING EXAMINER: - before we get through the, the final  
25   portion of the rezoning.

1 MR. SAYLER-BROWN: Right.

2 ZONING EXAMINER: But I just bring that up because I do  
3 know, you know, from just a design standpoint, you are introducing an  
4 element that has never been in this neighborhood, although there is  
5 spot zoning throughout Tucson for OCR-1. You know, there's, there's  
6 many mid-rises. 4400 East Broadway, 5151. You know, there's a few of  
7 these along Broadway where they're, they're very isolated.

8 MR. SAYLER-BROWN: Yeah.

9 ZONING EXAMINER: Yours would be very similar to that, and  
10 I think Tucson supports that. And this is a perfect location for  
11 something like that I feel, especially since there's nobody really to  
12 the south of you to block the views.

13 But I think I would appreciate seeing a little more of a, a  
14 little bit of a sensitivity issue just to crowding Swan Road with such  
15 a large structure.

16 MR. SAYLER-BROWN: I agree.

17 ZONING EXAMINER: So, if you'd take that into account.

18 MR. SAYLER-BROWN: (Inaudible) consideration.

19 ZONING EXAMINER: Okay. Other than that, I think that's  
20 really my only question for you tonight. So, I'd like to thank you  
21 and see if there's anybody else here in the audience who is wishing to  
22 speak in favor of this rezoning.

23 Show of hands. Is anybody here wishing to speak in favor?  
24 Seeing and hearing none, I'd like to ask, is there anybody here  
25 wishing to speak in opposition? Seeing and hearing none, is anybody

1 here wishing to speak on a neutral position, but still wants to  
2 address the Zoning Examiner? Seeing and hearing none, I'll ask the  
3 question. Sir, you came to give me something.

4 MR. DAVIS: (Inaudible)

5 ZONING EXAMINER: Okay, sir. For the next case?

6 MR. DAVIS: Yes.

7 ZONING EXAMINER: Wonderful. Then seeing and hearing  
8 there's no calls from the audience, and nobody wants to speak, I am  
9 going to go ahead and close the public hearing on this case. And I  
10 will make my preliminary report within five business days of today's  
11 closing. So, thank you very much.

12 (Case: C9-17-08 was closed.)



I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case reference on page 1 above.

Transcription Completed: 09/06/17

  
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KATHLEEN R. KRASSOW - Owner  
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